

**REMARKS/ARGUMENTS**

Reexamination of the captioned application is respectfully requested. In this Amendment:

- The specification is editorially amended;
- Claim 19 is canceled without prejudice or disclaimer; and
- Claims 1-18 are amended.

As amended, claims 1-18 are pending, of which claims 1, 6 and 12 are independent.

**A. DRAWING OBJECTIONS**

In the Office Action, the Examiner objects to figures 1 and 8 of the present disclosure alleging that they are no descriptive enough. Applicants do not necessarily agree. However, to promote the progress of this application, the disclosure is amended to particularly direct the reader to the description of the figures 1 and 8 and the elements therein. In addition, a Drawing Change Request is separately submitted herewith to amend Figure 1 to include a reference 800 – which refers to the infrastructure element – described in, e.g., page 13, lines 1-21.

Applicants respectfully request that the objection to the drawings be withdrawn.

**B. SECTION 101 REJECTION**

The Examiner reject claim 19 under 35 USC 101 as allegedly being directed to a non-statutory subject matter. Applicants do not necessarily agree. However, to promote the progress of this application, the claim is canceled which renders the rejection moot.

Applicants respectfully request that the §101 rejection be withdrawn.

**C. DOUBLE PATENTING**

The Examiner provisionally rejects claims 1, 4, 6 and 19 on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 1, 2, 6 and 17 of co-pending Application No. 10/584,136. Applicants respectfully request that the provisional rejection be held in advance until at such a time the claims of the co-pending applications are in fact allowed.

**D. PATENTABILITY OF THE CLAIMS**

The Examiner makes the following rejections:

- Rejects claims 1, 5-8, 11-14 and 17-19 under 35 USC 102(e) as allegedly being anticipated by U.S. Publication 2003/0204587 to Billhartz et al (hereinafter "Billhartz");

- Rejects claim 2 stands rejected under 35 USC §103(a) as allegedly being unpatentable over Billhartz in view of U.S. Patent 5,111,198 to Kuszmaul;
- Rejects claims 3, 4, 9, 10, 15 and 16 under 35 USC §103(a) as allegedly being unpatentable over Billhartz in view of U.S. Publication 2008/0048883 to Boaz.

All prior art rejections are respectfully traversed.

Claims 1-18 include functions, structures and advantages that are not disclosed in Billhartz. Billhartz shows a method for determining a route from a source node to a destination node in a mobile ad hoc network ([0032]). Billhartz also temporarily reserves nodes which are called standby routes. The source node decides upon the best choice of route. The standby routes not confirmed to be permanent reservations are released if they are not used for a period of time. This means that Billhartz only sends the data packets via one route.

In a non-limiting aspect of the present invention, possible routes with similar link quality status are determined, and a data packet is sent via these determined routes, i.e. via at least two different routes. The data packet is then combined at the destination node ([0107]). In other words, the present solution provides route diversity. Also, in claim 1 it is stated that "data packets are routed over transmission paths", where the plural form of the word path (paths) also emphasizes that the packets are sent via at least two routes.

Sending the data packet via at least two routes increase the probability that the data packet is transferred intact than if the packet was sent only via one route.

The link quality can be measured in every node in the ad hoc network. The routes with essential similar link quality status are determined as possible routes. And the data packet is routed via these routes. The link quality status between nodes can be measured with several different parameters, such as the Doppler spread, average fading duration, variation speed, battery level or energy status of the node, ownership information of nodes etc.

In contrast, Billhartz discloses selecting routes based upon stored traffic information. This is done by checking if the nodes can support a QoS parameter based upon bandwidth. Thus, the claimed invention and Billhartz have different criteria and measurements for determining appropriate nodes in a route. That is, Billhartz does not teach or suggest “the routing element determining at least two possible routes with essentially similar link quality status for a data packet” and “the routing element routing said data packet via the at least two determined routes” recited in claim 1.

Neither Kuszmaul nor Boaz corrects the above-noted deficiencies of Billhartz. Thus, claim 1 is distinguishable over Billhartz, Kuszmaul and Boaz, individually or in any combination thereof. For similar reasons, independent claims 6 and 12 are also distinguishable over any combination of Billhartz, Kuszmaul and Boaz. By virtue of their dependencies from independent claims

as well as on their own, dependent claims 2-5, 7-11 and 13-18 are distinguishable over Billhartz, Kuszmaul and Boaz.

Applicants respectfully request that the rejections of claims 1-18 be withdrawn.

**E. MISCELLANEOUS**

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly requested.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,  
**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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